

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Ashley Paul Claypoole
Bryn Kirsten Claypoole
Debtor(s)

Bankruptcy Case No.: 17-10386-TPA
Per June 6, 2017 proceeding
Chapter: 13
Docket No.: 22 - 11
Concil. Conf.: October 24, 2017 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 19, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,152.00 as of June 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Oct. 24, 2017 at 09:30 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue (Claim No. 2) .
- ☒ H. Additional Terms: The PA Department of Labor & Industry shall be paid with 9% interest on its secured claim.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: June 7, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Ashley Paul Claypoole
 Bryn Kirsten Claypoole
 Debtors

Case No. 17-10386-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 28

Date Rcvd: Jun 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 09, 2017.

db/jdb
 14405023 +Ashley Paul Claypoole, Bryn Kirsten Claypoole, 104 Randall Avenue, Girard, PA 16417-1121
 +Attorney General of Pennsylvania, 6th Floor, Manor Complex, 564 Forbes Avenue,
 Pittsburgh, PA 15219-2908
 14405024 +BAC Home Loans, 451 Seventh Street SW, Washington, DC 20410-0001
 14405029 +Bank of America, 16001 North Dallas Parkway, Addison, TX 75001-3311
 14405028 +Bank of America, 1800 Tapo Canyon Road, Simi Valley, CA 93063-6712
 14405027 +Bank of America, P.O. Box 619003, Dallas, TX 75261-9003
 14405026 +Bank of America, 2644 Mossdide Blvd., Suite 105, Monroeville, PA 15146-3362
 14405025 +Bank of America, 101 South Tryon Street, Charlotte, NC 28255-0001
 14405030 +Convergent Outsourcing, Inc., 800 SW 39th Street, P.O. Box 9004, Renton, WA 98057-9004
 14405032 +Dept. of Labor & Industry-UC Overpayment, Office of Chief Counsel, 10th Floor,
 Labor & Industry Bldg., 651 Boas Street, Harrisburg, PA 17121-0725
 14406073 +Elizabeth Dickey, North Kingsville, OH 44068
 14405034 +Erie County Adult Probation, Erie County Courthouse, 140 West Sixth Street,
 Erie, PA 16501-1011
 14405036 +KML Law Group P.C., Suite 5000-BNY Independence Center, 701 Market Street,
 Philadelphia, PA 19106-1538
 14405037 +Lakeview Loan Servicing, 475 Crosspoint Parkway, Getzville, NY 14068-1609
 14405038 +Lakeview Loan Servicing LLC, 4425 Ponce DeLeon Blvd., Mail Shop MS5/251,
 Coral Gables, FL 33146-1837
 14406080 Lisa Deautsch, Erie, PA
 14405040 M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
 14405041 Mortgage Electronic Registration, Systems, Inc., P.O. Box 2026, Flint, MI 48501-2026
 14405042 +National Recovery Agency, 2491 Paxton Street, Harrisburg, PA 17111-1036
 14405514 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14405044 +TEK-Collect Inc., 871 Park Street, Columbus, OH 43215-1441

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14405033 +E-mail/Text: bknotice@ercollections.com Jun 08 2017 01:14:21 Enhanced Recovery Co.,
 8014 Bayberry Road, Jacksonville, FL 32256-7412
 14405035 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 08 2017 01:14:30 Jefferson Capital System,
 16 Mclelland Road, St. Cloud, MN 56303
 14405039 E-mail/Text: camanagement@mtb.com Jun 08 2017 01:13:25 M&T Bank, P.O. Box 62182,
 Baltimore, MD 21264-2182
 14405042 +E-mail/Text: Bankruptcy@nragroup.com Jun 08 2017 01:15:14 National Recovery Agency,
 2491 Paxton Street, Harrisburg, PA 17111-1036
 14405043 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 08 2017 01:13:43 Pa. Dept. of Revenue,
 Dept. 280946, Harrisburg, PA 17128-0946
 14409533 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 08 2017 01:13:43
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14409036 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 08 2017 01:16:11 Spot Loan,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 14405045 +E-mail/Text: bnc-bluestem@quantum3group.com Jun 08 2017 01:14:50 WebBank/Fingerhut,
 6250 Ridgewood Road, St. Cloud, MN 56303-0820

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr LakeView Loan Servicing, LLC
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14406063* +Attorney General of Pennsylvania, 6th Floor, Manor Complex, 564 Forbes Avenue,
 Pittsburgh, PA 15219-2908
 14406064* +BAC Home Loans, 451 Seventh Street SW, Washington, DC 20410-0001
 14406067* +Bank of America, P.O. Box 619003, Dallas, TX 75261-9003
 14406068* +Bank of America, 1800 Tapo Canyon Road, Simi Valley, CA 93063-6712
 14406066* +Bank of America, 2644 Mossdide Blvd., Suite 105, Monroeville, PA 15146-3362
 14406065* +Bank of America, 101 South Tryon Street, Charlotte, NC 28255-0001
 14406069* +Bank of America, 16001 North Dallas Parkway, Addison, TX 75001-3311
 14406070* +Convergent Outsourcing, Inc., 800 SW 39th Street, P.O. Box 9004, Renton, WA 98057-9004
 14406071* +Core Logic, 450 East Boundary Street, Chapin, SC 29036-9417
 14406072* +Dept. of Labor & Industry-UC Overpayment, Office of Chief Counsel, 10th Floor,
 Labor & Industry Bldg., 651 Boas Street, Harrisburg, PA 17121-0725
 14406074* +Enhanced Recovery Co., 8014 Bayberry Road, Jacksonville, FL 32256-7412
 14406075* +Erie County Adult Probation, Erie County Courthouse, 140 West Sixth Street,
 Erie, PA 16501-1011
 14406076* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
 (address filed with court: Jefferson Capital System, 16 Mclelland Road, St. Cloud, MN 56303)
 14406077* +KML Law Group P.C., Suite 5000-BNY Independence Center, 701 Market Street,
 Philadelphia, PA 19106-1538
 14406078* +Lakeview Loan Servicing, 475 Crosspoint Parkway, Getzville, NY 14068-1609
 14406079* +Lakeview Loan Servicing LLC, 4425 Ponce DeLeon Blvd., Mail Shop MS5/251,
 Coral Gables, FL 33146-1837

District/off: 0315-1

User: jmar
Form ID: 149

Page 2 of 2
Total Noticed: 28

Date Rcvd: Jun 07, 2017

***** BYPASSED RECIPIENTS (continued) *****
14406081* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 1100 WHERE DRIVE, WILLIAMSVILLE NY 14221-7748
(address filed with court: M&T Bank, P.O. Box 62182, Baltimore, MD 21264-2182)
14406082* M&T Bank Lending Services, Customer Support, P.O. Box 1288, Buffalo, NY 14240-1288
14406083* Mortgage Electronic Registration, Systems, Inc., P.O. Box 2026, Flint, MI 48501-2026
14406084* +National Recovery Agency, 2491 Paxton Street, Harrisburg, PA 17111-1036
14406085* Pa. Dept. of Revenue, Dept. 280946, Harrisburg, PA 17128-0946
14406086* +TEK-Collect Inc., 871 Park Street, Columbus, OH 43215-1441
14406087* +WebBank/Fingerhut, 6250 Ridgewood Road, St. Cloud, MN 56303-0820
14405031 ##+Core Logic, 450 East Boundary Street, Chapin, SC 29036-9417

TOTALS: 1, * 24, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

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pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on June 7, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor LakeView Loan Servicing, LLC bkgroup@kmlawgroup.com
Michael S. Jan Janin on behalf of Debtor Ashley Paul Claypoole mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com
Michael S. Jan Janin on behalf of Joint Debtor Bryn Kirsten Claypoole mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5